



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,311	02/14/2002	Mark Thomas Johnson	NL010090	8934
24737	7590	08/23/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			NGUYEN, KEVIN M	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/075,311	Applicant(s) JOHNSON ET AL.	
	Examiner Kevin M. Nguyen	Art Unit 2674	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-9.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SF/05 or PTO 1449) Paper No(s). _____.
 13. ☐ Other: _____.


PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER

Kevin M. Nguyen
 Patent Examiner
 Art Unit: 2674

Continuation of 11:

Applicant's arguments filed 08/09/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that "the Examiner must meet to establish a prima facie case of obviousness..." page 4. In response, Examiner disagrees because a prima facie case of obvious is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Once such a case is established, it is incumbent upon appellant to go forward with objective evidence of unobviousness. See *In re Fielder*, 471 F.2d 640, 176 USPQ 300 (CCPA 1973). See *In re Palmer*, 172 USPQ 126 (CCPA 1971). See *In re Reven*, 156 USPQ 679 (CCPA 1968).

In response to applicant's argument that claim 1 recite "a display device includes a pulsed backlight system, wherein the display device is configured to increase the switching rate of pixels in the sequence of selecting the pixels during operation." Examiner is not convinced by Applicant's argument. As mentioned earlier in the Final office action with respect to claim 1, Examiner finds that Ishihara teaches a display device comprising: Fig. 3 discloses a backlight 21, an inverter 22, a transformer 23, a fan 24, a power source 25 for the backlight 21, a diffuser 26 which are defined a pulse backlight system as claimed (page 6, lines 1-3), as modified by, Bae et al teaches thin film transistor with an increased switching rate according to the driving ability of a plurality of pixels (col. 6, lines 6-13). As stated *infra* with respect to claim 1, Examiner finds that Ishihara teaches to uniform intensity of transmitted light over the whole screen (see page 4, lines 50-51). Fig. 4 show results of measurements of the VT characteristics. At this time, measurement of contrast, i.e. ratio of brightness at the time of application of a voltage of 6V to brightness at the time of no application of the voltage has revealed that the upper and lower portions of the liquid crystal panel 27 have contrasts of 33 and 62, respectively (page 6, lines 8-11). Thus, the feature "the uniform intensity of transmitted light" and "the intensity contrast and the intensity brightness" would have been obvious to provide from the pulsed backlight as claimed. Therefore, the rejections based on Ishihara and Bae et al have been maintained.